

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/797,205 Confirmation No.: 4202
Applicant(s): RUUSKA *et al.* Group Art Unit: 2614
Filed: March 09, 2004 Examiner: LISA YOUNG
For: CONNECTION MODE FOR LOW-END RADIO

PETITION TO WITHDRAW HOLDING OF ABANDONMENT**BASED ON FAILURE TO RECEIVE OFFICE ACTION****Mail Stop**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants hereby request that the holding of abandonment in the above-identified application be withdrawn on the basis of Applicant's failure to receive the non-final Office Action having a mail date of July 10, 2007. In view of the above, Applicants request that the July 10, 2007 Office Action be re-mailed and the time period for response thereto be restarted. No petition fee is believed to be required.

DISCUSSION

Applicant's representative received a telephone call from Examiner Lisa Young on March 20, 2008, who was inquiring as to whether a response had been filed to an Office Action now pending in the above-identified application. No Office Actions were docketed by Applicants' representative at the time of the Examiner's inquiry. Upon accessing the Patent Application Information Retrieval (PAIR) system, Applicant's representative learned that the United States Patent and Trademark Office (USPTO) had entered in PAIR an Office Action dated July 10, 2007 (see "Non-Final Rejection" in EXHIBIT A). Applicant's representative subsequently contacted Examiner Lisa Young, to inquire about the status of the application, and

left a voicemail message informing the Examiner that the present petition would be filed requesting that the holding of abandonment now be withdrawn.

The undersigned hereby states that, as of this date, the Office Action dated July 10, 2007, has not been received. The undersigned further states that in accordance with MPEP §711.03(c) a search of the file jacket and docket records for this application has been conducted as follows: (1) A copy of the docket record, attached as EXHIBIT B, shows where the July 10, 2007 Office Action would have been indicated had it been received and docketed. The docket record shows that an Office Action for the present application was not received. (2) The office docket for the entirety of counsel's office, Morgan & Finnegan, attached as EXHIBIT C, shows all of the actions due from this Firm at the USPTO on October 10, 2007 (i.e. 3 months after the subject Office Action was entered in PAIR). This office docket shows that on October 10, 2007, there was no response due for an Office Action for the serial No. 10/797,205 assigned to the present application. (3) EXHIBIT D shows a report of the recorded prosecution history for the present application, as generated by this Firm's docketing system. This Firm's docketing system report further evidences that an Office Action has not been received for this application. Accordingly, the search indicates that this Office Action was neither docketed nor entered into the file, and therefore, was not received.

Furthermore, it appears from PAIR records that this Office Action may not have been mailed to Applicants. Instead, it may have been sent only to the Office of Initial Patent Examination (OIPE). The attached EXHIBIT E is a copy of the Office Action, as entered in PAIR on July 11, 2007 (see entry "Miscellaneous Action with SSP" in EXHIBIT A). EXHIBIT E bears the stamp of OIPE dated July 11, 2007, which is the day after the Office Action was allegedly mailed to Applicants. Applicants do not know under what circumstances OIPE would have been sent the Office Action after it was allegedly mailed to Applicants. Applicants can only surmise that the Office Action may have been mistakenly forwarded to OIPE rather than mailed to Applicants. Nevertheless, for the reasons described in detail above, the undersigned asserts that—as of the date of this filing—Applicants have not received the subject Office Action.

CONCLUSION

Applicants respectfully submit that the requirements for a grantable petition set forth in the MPEP §711.03(c) have been satisfied. As a result, on the basis of the above discussion and the attached documentary evidence, Applicants respectfully request that (1) the holding of abandonment in the above-identified application be withdrawn on the basis that Applicants did not receive the Office Action having mail date of July 10, 2007, (2) the aforementioned Office Action be re-mailed, and (3) the time period for response thereto be restarted.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for the consideration of this paper, or credit any overpayment, to Deposit Account No. **13-4500**, Order No. **4208-4131US1**. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Dated: March 26, 2008

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

By: _____

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